



H.R. 2207 - Making supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes

Floor Situation

H.R. 2207 is being considered under a closed rule. The legislation is debatable for one hour equally divided and controlled by the Chairman and the Ranking Member of the Committee on Appropriations.

The Rule:

- Waives all points of order against consideration of the bill except for clauses 9 (earmarks) and 10 (PAYGO) of Rule XXI.
- Provides that the amendment in the Rules Committee report shall be considered as adopted.
- Waives all points of order against the bill, as amended.
- Provides for one motion to recommit with instructions.

The bill was introduced by Representative David Obey (D-WI) on May 8, 2007. The bill was referred to both the Committee on Appropriations, and the Committee on the Budget, but was not considered by either.

H.R. 2207 is expected to be considered on the floor on May 11, 2007.

**Note: Identical language to that contained in H.R. 2207 was contained in the Conference Report to H.R. 1591, House Report 110-107, which passed the House by a vote of 218 – 208 on March 25, 2007, and was vetoed by President Bush on May 1, 2007, (the details of the House vote on the Conference Report to H.R. 1591 are listed in the table below).*

	<u>YEAS</u>	<u>NAYS</u>	<u>PRES</u>	<u>NV</u>
DEMOCRATIC	216	13	1	2
REPUBLICAN	2	195	1	3

INDEPENDENT				
TOTALS	218	208	2	5

Background

Along with the Fiscal Year 2008 Budget, the President released an emergency supplemental request of \$103 Billion, which included \$93.4 billion for the War Against Radical Militant Islamists. Both House and Senate Democrats added additional funding unrelated to War Against Radical Militant Islamists, including significant funding levels for agriculture assistance. While some of the agriculture assistance was removed (such as \$25 million for spinach farmers, \$5 million for aquaculture, and \$100 million for citrus), the conference report considered in the House and Senate did include funding for agriculture assistance. Furthermore, The Conference Report accelerated the timetable by which American troops would withdraw from Iraq and imposed funding and tactical restrictions on our commanders on the ground and our troops in the field. The President vetoed the Conference Report as a result of the timetables for withdrawal of our troops in Iraq, limitations on our commanders, and egregious spending unrelated to the war.

The Democrats introduced a new supplemental (HR 2206) containing new timetables for withdrawal and provisions that place restrictions on our commanders. Additionally, Democrats introduced the Agriculture Disaster Assistance and Western States Emergency Unfinished Business Appropriations Act of 2007 (HR 2207). This legislation includes many of the provisions within the Conference Report from HR 1591 and does not include funding for any matter relating to War Against Radical Militant Islamists.

Summary

Crop Disaster Assistance

- Provides “such sums as are necessary” for crop disaster assistance.
- This provision covers losses in 2005 or 2006 (or in 2007 prior to February 28).

**Note: According to CRS: “The two most recent supplemental appropriations ([P.L. 109-148](#) and [P.L. 109-234](#)) were provided in response to Hurricanes Katrina and Rita in the Gulf of Mexico and in preparation for a possible U.S. outbreak of avian influenza. [P.L. 109-148](#) provided \$1.17 billion to USDA, including \$1.076 for agricultural hurricane assistance.” (CRS: RL31095)*

- Producers that are eligible for losses in more than one year must elect to receive assistance for only one year.

- Payments may not exceed 95% of what the value of the crop would have been without the losses incurred (including crop insurance payments made to the producer).
- Producers are not eligible to receive assistance if they (1) have insurable crops, but have not purchased crop insurance; (2) have a non-insurable commodity, but have not filed the appropriate paperwork and paid the appropriate fees for non-insurable commodities; or (3) were not in compliance with highly erodible land conservation and wetland conservation provisions.
- The Secretary shall make payments to eligible producers within 60 days of a producer's application. If payments are not made within 60 days, the Secretary is required to pay interest in addition to the payment.

Livestock Assistance

- Provides "such sums as are necessary" for livestock assistance for losses incurred between January 1, 2005 and February 28, 2007, including losses attributable to wildfires.
- Payments may not exceed 70% of the payment rate outlined in the Livestock Compensation Program.
- Livestock that is covered under this provision includes sheep, beef, dairy, goats, catfish, and "other animals designated by the Secretary as livestock."
- Producers that are eligible for losses in more than one year must elect to receive assistance for only one year.

Livestock Indemnity Payments

- Provides "such sums as are necessary" for a livestock indemnity program for producers that have incurred losses between January 1, 2005 and February 28, 2007.
- Producers that are eligible for losses in more than one year must elect to receive assistance for only one year.
- The rate for payment to a producer must be at least 30% of the market value of the livestock on the day prior to the death of the livestock.

Emergency Conservation Program (ECP)

- Provides \$20 million for the ECP, which includes cleanup and restoration for farm and agricultural lands.

**Note: The Emergency Conservation Program provides cost sharing assistance for debris removal; structures, restoration; farmland restoration; fence and grade repair; or for creating water conservation measures.*

Milk Income Loss Contract

- Extends the program from August to September 30, 2007.

**Note: this provision extends the MILC program for one month, which increases the baseline of the program significantly.*

Dairy Assistance

- Provides \$20 million for dairy producers for dairy production losses in disaster counties.

Low-Income Migrant and Seasonal Farm workers

- Provides \$21 million to low-income and seasonal farm workers.

**Note: In accordance with 42 U.S.C. 5177a, "the Secretary of Agriculture may make grants to public agencies or private organizations with tax exempt status that have experience in providing emergency services to low-income migrant and seasonal farm workers where the Secretary determines that a local, State or national emergency or disaster has caused low-income migrant or seasonal farm workers to lose income, to be unable to work, or to stay home or return home in anticipation of work shortages. Emergency services to be provided with assistance received under this section may include such types of assistance as the Secretary of Agriculture determines to be necessary and appropriate."*

Farm Service Agency

- Provides \$30 million for salaries and expenses.

National Oceanic and Atmospheric Administration

- Provides \$60.4 million for salmon fishermen in California and Oregon (Klamath Basin) that experienced a fishery failure as a result of the drought.

**Note: SBA loans and Economic Development Administration (EDA) Economic Adjustment Grants have been available to the fishermen in the Klamath region.*

Wild land Fire Management

- Provides \$100 million for wild land fire management through the Department of the Interior and \$400 million through the Department of Agriculture.

Secure Rural Schools

- Provides a total of \$525 million, including \$425 million “to cover any shortfall for payments.”

Cost

There was no cost estimate available on H.R. 2207 from the Congressional Budget Office (CBO) at the time of publication.

Additional Views

The Bush Administration strongly opposes passage of H.R. 2207. The Statement of Administration Position issued by the Administration states “H.R. 2207 would allow for almost \$7 billion in unrequested spending that is unjustified and not appropriate for an emergency spending bill. In fact, this bill contains the same objectionable provisions included in the emergency war supplemental just vetoed by the President. Furthermore, the bill circumvents the new House “pay-as-you-go” rule, bypasses the House Budget Resolution’s requirement for deficit-neutral direct spending, and stretches the definition of “emergency.” Due to the excessive non-emergency spending it contains, if this legislation were presented to the President, he would veto the bill.”

Staff Contact

For questions or further information contact Matt Lakin at (202) 226-2302.